

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING**

239 Causeway Street, Room 417A
Boston, MA 02114

**Minutes of the Regularly Scheduled Board Meeting
Wednesday, June 10, 2015**

Board Members Present

S. Kelly, CNP, Chair
K. Gehly, CNP, Vice Chair
A. Alley, RN
M. Beal, CNM
P. Gales, RN
J. Killion, LPN
B. Levin, RN
A. Peckham, RN
C. Simonian, PharmD, RPh
S. Taylor, RN
C. Tebaldi, CNP
C. Urena, LPN

Board Members Not Present

E. Richard Rothmund, Public Member

Staff Present

C. Silveira, RN, Assistant Director
K. Ashe, RN, Nursing Education Coordinator
O. Atueyi, JD, Board Counsel
V. Berg, Chief Board Counsel
H. Cambra, RN, JD, Complaint Resolution Coordinator
D. M. DeVaux, RN, SARP Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
K. Fishman, Probation Monitor
K. Keenan, Licensing Coordinator
L. Talarico, CNP, Nursing Practice Coordinator
T. Westgate, Program Coordinator

Staff Not Present

R. Harb, RN, Executive Director
V. Iyawe, RN, SARP Coordinator

Guests

See attached list.

TOPIC:

Call to Order & Determination of Quorum

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 9:00 a.m., S. Kelly, Chairperson, called the June 10, 2015, Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of Agenda

DISCUSSION:

C. Silveira requested that Agenda Item IV.A: Executive Director's Report be removed from the agenda as there was no report. Ms. Silveira also informed Board members that Ms. Harb was able to proceed with her application for the Early Retirement Incentive Program (ERIP) and if approved, Ms. Harb will retire at the end of June. In Ms. Harb's absence today, Ms. Silveira noted that Ms. Harb had asked her to share with the Board her appreciation for their commitment to protecting the public through excellence in nursing regulation as well as her appreciation for the leadership of Ms. Kelly and Ms. Gehly.

ACTION:

Motion by B. Levin, seconded by J. Killion, and unanimously passed to approve the agenda as revised.

TOPIC:

Approval of Board Minutes for the May 13, 2015, Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

There was no discussion.

ACTION:

Motion by C. Urena, seconded by M. Beal, and unanimously passed to accept the Minutes of the May 13, 2015, 2014, Regularly Scheduled Board Meeting.

TOPIC:

Reports

A. Executive Director's Report

B. Staff Report

1. Deputy Executive Director
2. Policy and Research
3. Practice
4. Education
5. Complaint Resolution
6. SARP
7. Licensing Coordinator

DISCUSSION:

A. Executive Director's Report: None.

B. Staff Reports:

1. None.
2. Members reviewed Ms. Silveira's previously distributed memo. Ms. Silveira noted she had been informed by the Director, MA Health Care Workforce Center, that the 2014 Registered Nurse Data Series Report was expected to be available late summer and that a presentation of the data would be scheduled for September or October.
3. Members reviewed Ms. Talarico's previously distributed memo. Ms. Talarico noted that Maryland has become the twenty-first state to allow independent nurse practitioner practice. Additionally, Ms. Talarico informed Board members that at NCSBN's May, 2015 LACE

meeting, a sub-committee was established to examine the issue of adding nursing specialty certification as a new APRN category. Finally, Ms. Talarico brought to the Board's attention that the April 2015 issue of Journal of Nursing Regulation contains an article *Procedural Sedation Practice: A Review of Current Nursing Standards* in which the Board's Advisory Ruling is mentioned on page 54.

4. None
5. None.
6. Members reviewed the SARP Coordinator's previously distributed Monthly Activity Report.
7. Members reviewed K. Keenan's previously distributed memo. Members were provided with Professional Credential Services' annual report. Members were also updated on the Board's work on updating applications and a modification to the Good Moral Character information sheet.

ACTION:

Motion by B. Levin, seconded by C. Urena, and unanimously passed to accept the Staff Reports.

TOPIC:

Consensus Agenda

- A. NCSBN Update
- B. Coalition for the Prevention of Medical Errors Update

DISCUSSION:

- A. Members reviewed Ms. Talarico's previously distributed NCSBN Update. Ms. Talarico noted that the Safe Staffing Act Legislation mentioned in the memo is federal. Additionally, Ms. Talarico informed Board members that the issue of Telehealth is national in scope and an issue of debate at both the state and federal levels.
- B. Members were provided copies of the MA Coalition for the Prevention of Medical Errors April, 2015 minutes as well as the May, 2015 report.

ACTION:

- A. Accepted by consensus.
- B. Accepted by consensus.

TOPIC:

Pending Board Complaint: **In the Matter of I. Koroma**, RN215913, NUR-2013-0223. K. Gehly recused herself from this matter and left the room. The Board's Compliance Officer and Complaint Resolution Coordinator presented their previously distributed Investigation Report with CRC recommendations outlining the allegations reported, information obtained regarding the Licensee's practice related conduct and any corresponding mitigating and aggravating circumstances, and any remedial activities completed. Specifically, the CRC recommended that the information and documentation obtained during the investigation substantiated that despite the Licensee's assertion in his response to notice of this complaint that he did not know that the Board had suspended his RN license effective from 7/1/13 to 7/29/13, the Licensee practiced as an RN at The Reservoir Center for Health and Rehabilitation in Marlborough, MA (facility) on or about 7/1/13, 7/17/13, 7/18/13, 7/21/13-7/25/13, 7/27/13 and 7/28/13 when he knew or should have known that his nursing license was suspended by the Board as substantiated by the following: (a) in response to documentation from the DOR/CSE, the Board sent duplicate original, written notices dated 6/26/13 to the Licensee at his then current address of record with the Board by U.S. 1st class mail and certified mail-return receipt requested notifying the Licensee that effective 7/1/13 his RN license was suspended due to his non-payment of child support (Suspension Notice); (b) the Suspension Notice dated

6/26/13 sent by U.S. 1st class mail to the Licensee has not been returned to the Board office at least as of 6/3/15; (c) the Suspension Notice that was sent certified mail to the Licensee dated 6/26/13 was mailed on 6/27/13 as shown by the postmark stamp on the certified mailing envelope that was subsequently returned to the Board as unclaimed on 7/31/13; (d) the first attempted delivery by the post office to the Licensee of the Suspension Notice sent certified mail was on 6/28/13 as documented on the front of the certified mailing envelope that the Licensee left unclaimed prior to leaving the U.S. on 7/2/13 *and* after he returned on 7/16/13; (e) the Licensee worked as an RN at the facility on 7/1/13, 7/17/13, 7/18/13, 7/21/13-7/25/13, 7/27/13, 7/28/13 and 7/29/13; (f) a second attempted delivery by the post office to the Licensee of the Suspension Notice sent certified mail was made on 7/27/13 as is also documented on the front of the certified mailing envelope that the Licensee also did not claim; (g) the DOR/CSE letter dated 7/29/13 to the Board included a "cc" to the Licensee with the explanation in italics that [although] he was now in compliance with his child support obligations and "*may therefore be eligible for reinstatement of [his] license,*" the Licensee "*must contact the licensing authority to request reinstatement* (emphasis added); (h) on or after 7/29/13, the Board sent the Licensee duplicate original, written notices incorrectly dated 3/7/07 to the Licensee at his then current address of record with the Board by 1st class U.S. mail and certified mail-return receipt requested notifying the Licensee that the Board had received notice from the DOR/CSE dated 7/29/13 authorizing the Board to reinstate his RN license (Reinstatement Notice); (i) neither of the duplicate Reinstatement Notice mailings has been returned from the USPS as of 6/3/15; (j) the Board reinstated the Licensee's R.N. License as of 7/29/2013 according to MLO; and (k) the Licensee acknowledged that on 8/1/13 he received the Board's notice reinstating his RN license. The Licensee has been licensed by the Board as an RN since 10/24/95, which has been expired since 11/26/14, and he has not had any other complaints filed with the Board.

DISCUSSION:

None.

ACTION:

K. Gehly had recused herself from this matter and previously left the room during discussion of this matter. Motion by M. Beal, seconded by S. Taylor and voted unanimously to adopt the CRC recommendations, refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication, and alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR REPRIMAND of his RN license and right to renew his nursing license.

TOPIC:

Pending Staff Assignment: **In the Matter of K. Lett Negri, RN2283208, SA-INV-4076.** The Board's Compliance Officer and Complaint Resolution Coordinator presented their previously distributed Investigation Report with CRC recommendations outlining the allegations reported, information obtained regarding the Licensee's practice related conduct and any corresponding mitigating and aggravating circumstances, and any remedial activities completed. Specifically, the CRC recommended that the information and documentation obtained during the investigation substantiated that

DISCUSSION:

S. Taylor asked if there was any authority for the Board to notify Kindred regarding its responsibilities to confirm that all nurses it employs to practice nursing in Massachusetts hold a current Massachusetts nursing license to practice. A. Fein, CRC responded that she is also recommending that the Board refer to DPH/HQC for its review and action as appropriate the information obtained in this complaint regarding Kindred's failure to confirm that this held a current Massachusetts nursing license while she was employed and practicing as the DON at a Kindred facility in Massachusetts as well as information from

its investigation of a previous complaint regarding another nurse who also practiced in a management position at a Kindred facility in Massachusetts without a current Massachusetts nursing license.

ACTION:

Motion by C. Simonian, seconded by P. Gales and voted unanimously to adopt the CRC recommendations and, CLOSE this Staff Assignment and OPEN a complaint against this nurse with authority to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication; and alternatively, in final settlement of the complaint the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR REPRIMAND of her RN license and right to renew her license.

Motion by P. Gales, seconded by B. Levin and voted unanimously to adopt the CRC recommendation to make a referral to DPH/HQC regarding the information the Board has received regarding individuals practicing nursing at Kindred facilities in Massachusetts without current Massachusetts licenses.

TOPIC: Probation

A. Mary T. Ahr, LN60414, NUR-2012-0050: This matter came before the Board as a request from the Licensee to extend the time to complete the “active practice” terms of the Post-Surrender Consent Agreement for Probation she entered into with the Board on March 4, 2013. The Licensee was previously granted a one year extension on or about June 11, 2014. This most recent request would allow the probation term to extend beyond Board’s Discipline Policy 07-01, which allows for a nurse to extend the probationary period for twice the length of the original probationary period, in order to complete the “active practice” terms of probation. The Licensee has complied with all terms of probation with the exception of the active practice terms, because she has not been able to find an appropriate nursing job since the Effective Date of Probation.

K. Fishman recommended the Board allow the Licensee an extension of 6 months to find a nursing job and an additional 6 months to complete the “active practice” terms of probation, for a total 1 year extension. During the extension period, the Licensee also must: 1) Actively engage in a search for nursing employment that meets the requirements of the Agreement; 2) Submit each month to the Probation Monitor a detailed description of her nursing employment search activities for the prior month, including the status of her nursing employment and; 3) If an appropriate nursing job is obtained within the 6 month extension period, the Licensee must submit documentation verifying that she is employed in a nursing position which complies with Agreement.

If the Licensee does not find nursing employment within the 6 month extension period, this matter will come back before the Board to determine next steps.

DISCUSSION: None.

ACTION: Motion by J. Killion, seconded by B. Levin, and unanimously passed to accept the recommendation.

B. J. Galatis, RN141714, NUR-2009-0034: This matter came before the Board as a request from the Licensee to extend the time allowed for her to complete the “active practice” terms of the Consent Agreement for Surrender Followed by Probation she entered into with the Board on November 2, 2011. The Licensee requests that she be allowed additional time beyond the Board’s Discipline Policy 07-01 to complete the “active practice” terms of her Probation. Until recently, this nurse was not able to gain appropriate nursing employment; she also noted that she has been facing substantial personal issues

related to her health, family and finances since the Effective Date of the Agreement. However, as of May 15, 2015, this nurse did obtain a nursing job at Resident Care Rehabilitation & Nursing Center, Framingham, MA. Therefore she should be able to complete the active practice terms of the Agreement by on or about May 15, 2016.

K. Fishman recommended the Board grant a one (1) year extension to the Licensee so that she may complete the “active practice” terms of her Agreement by working at Resident Care Rehabilitation & Nursing Center in Framingham, MA.

Discussion: None.

Action: Motion by K. Gehly, seconded by B. Levin, and unanimously passed to accept the recommendation.

Sharon Rogers, RN190963, NUR-2010-0239: The Licensee was allowed by the Board to work as a nurse in the offices of Fireside Staffing, Inc. in Pelham, New Hampshire (NH), a nurse staffing agency, during the probationary period, where she was given acceptable reviews regarding her nursing practice. The Licensee worked at the agency from the Effective Date of Probation until September 2013, when she was terminated for cause. Specifically, on or about September 18, 2013 it came to the attention of Karen Fishman, Probation Monitor that the Licensee’s NH license had expired in October 2011. Ms. Fishman contacted the agency owner regarding the expired license and the Licensee was then terminated from her nursing job due to the expired license. During this conversation, the agency owner also notified Ms. Fishman that she learned that the Licensee worked one 8 hour shift at a client facility on one occasion during the Probation Period: on December 8, 2012, which is a violation of her probation. Apparently, a weekend on-call staffing coordinator who did not know about the Licensee’s probation status booked her to work a shift at a nursing facility.

Board staff considered whether the expired license in NH should trigger additional discipline placed on the license but no action was taken.

On or about July 9, 2014, Ms. Fishman spoke to the Licensee via a telephone to find out what she had been doing to comply with her Agreement. The Licensee stated she had been working in a non-nursing job doing private duty helping with daily living needs. Ms. Fishman requested she submit a letter to request an extension of time to complete the “active practice” terms of her Agreement and to include what she had been doing to comply with the Agreement since her termination from Fireside Staffing. However, no letter was received. On or about August 18, 2014 a Request for Documentation was sent to the Licensee requesting a detailed summary of her job search efforts since September 2013. Again, no response was received. On or about September 22, 2014, probation department staff left a voicemail for the Licensee to follow up on the August 18th letter. On or about October 7, 2014, a Notice of Violation was sent requesting the same information. No response was received.

K. Fishman recommended the Board issue a Notice of Violation and Further Discipline to the Licensee with the intention to suspend the nurse’s license to practice as a Registered Nurse and/or a Licensed Practical Nurse. The Notice will offer the Licensee an opportunity for a Hearing regarding her violations of the Agreement.

DISCUSSION: A. Fein stated that should the Board decide to reinstate the license, they would be able to remove the ability to allow her to work in homecare. V. Berg clarified for the Board that, should the

Board decide to reinstate the license, they would be able to make a new agreement for the Licensee to sign that would stipulate terms.

ACTION: Motion by J. Killion, seconded by P. Gales, and unanimously passed to accept the recommendation.

TOPIC:

Education

A. 244 CMR 6.04(1)(c) & (1)(f) Administrative Changes

1. Blue Hills Vocational Technical School
2. Laboure College ADN-RN
3. Quincy College ADN-RN and PN Programs
4. Westfield State University, BSN Program

B. 244 CMR 6.06(2): Waiver of 244 CMR 6.06(1)(a) Assabet Valley Regional Technical Practical Nursing Program

C. 244 CMR 6.08 (1)(f) Quincy College, Associate Degree RN Program

DISCUSSION:

A. Members reviewed Ms. Ashe's previously distributed memo.

B. Members reviewed Ms. Ashe's previously distributed Compliance and Accreditation-related reports. Ellen Santos (Program Administrator) Assabet Valley Regional Technical, Practical Nurse Program, was present to respond to Board Member questions.

C. Members reviewed Ms Ashe's previously distributed memo and attachments regarding the Quincy College, Division of Nursing, ADN-RN faculty complaint. Board member, P. Gales recused herself from the discussion after her disclosure that she was a former employee of Quincy College. The nursing program was asked to address the Program's compliance with 244 CMR 6.04(3)(a) 2 as it relates to the non-discriminatory criteria for progression, and student rights and grievances. The Program Administrator, Dr Kechi Iheduru-Anderson was available for questions from Board members. The summary reviewed faculty concerns regarding faculty established levels of achievement, an established passing grade of 73 (C) as a requirement for all nursing courses and students promoted as a result of grade appeals. Faculty expressed concerns that students not completing a sequential program of study would be unable to demonstrate competence in previous course or clinical work. Faculty expressed a concern for client safety in the clinical setting. The Program's response submitted by Aundrea Kelley, Vice President of Academic Affairs outlined the purpose, actions and rationales for the Grade Appeal and outcomes. The outgoing program administrator provided supplemental materials. S. Taylor asked if there was summary data that reflected ongoing evaluation of the Program's curriculum that was not found in the Program's SPE. A discussion focused on the longstanding and unresolved issues between the faculty, administration, and cited recent submitted informal and formal student complaints received by the Board. Additional evidence of SPE implementation according to ACEN Standard 4 was made by S. Taylor.

ACTION:

A. Motion by P. Gales, seconded by B. Levin and unanimously passed to find compliance with 244 CMR 6.04(1)(c) and 6.04(1)(f) in the appointment of:

1. Roxanne Mihal, DNP, RN, CS-ANP, Practical Nursing Program Instructor/Lead Teacher (Program Administrator), Blue Hills Regional Vocational Technical
2. Karen A. Manning, EdD(c) MSN, RN,CCRN, CHPN, Chair Person, Division of Nursing (Program Administrator)

3. Kechi Iheduru-Anderson DNP, RN, CNE, CWCN, ADN-RN and Practical Nursing Program, Nursing Program Administrator (Program Administrator), Quincy College
4. Marcia R. Scanlon APRN, DNP, Chair Department of Nursing, (Program Administrator), Westfield State University.

B. Motion by P. Gales seconded by S.Taylor, and unanimously passed to grant a waiver of 244 CMR 6.06(1) (a) to Assabet Valley Regional Technical Practical Nursing Program based on review of the findings and recommendations of Accrediting Commission for Education in Nursing (ACEN), and the Program's Annual Report to the Board, with recommendations:

1. Due on October 1, 2016, a progress report outlining compliance with the ACEN recommendations, including:
 - a. The Follow-Up Report as directed by ACEN and due February 15, 2016
 - b. There is evidence that the evaluation plan emphasizes the ongoing assessment and evaluation of the student learning outcomes, the program outcomes and role-specific graduate competencies [ref: 244 CMR 6.04(1) (e)].
 - c. there is evidence the evaluation plan contains specific and measureable expected levels of achievement and a minimum of three (3) years of data for each component within the plan[ref: 244 CMR 6.04(1)(e)].
 - d. There is evidence that aggregated, trended and sufficient to inform program decision-making and are used to maintain or and improve student learning outcomes and program outcomes [ref: 244 CMR 6.04(1) (e)].
 - e. There is evidence that graduate satisfaction has been assessed in a systematic and ongoing manner and the data are sufficient to inform program decision-making [ref: 244 CMR 6.04(1) (e)].
 - f. There is evidence that the employer satisfaction is assessed in a systematic and ongoing manner [ref: 244 CMR 6.04(1) (e)].
 - g. There is evidence the library holding are reviewed and updated in a systematic and on going manner [ref: 244 CMR 6.04(5)(c)].
2. Written evidence of the action taken by the ACEN Board of Commissioners, following review of the Follow-Up Report, with continued accreditation of the nursing program with the next evaluation visit scheduled for spring 2022, or denying continuing accreditation. The findings of the ACEN Board of Commissioners will be reported to the Board within 15 days of receipt by the program administrator.

C. P.Gales recused herself from all discussion and action in the matter and left the room. Motion by S.Taylor, and seconded by M. Beal and passed unanimously passed to:

1. Find:
 - a. The Quincy College AD-RN Program (Program) published its current policies that describe the specific non-discriminatory criteria for progression and student rights and grievances. Faculty did evaluate student achievement of nursing competencies.
 - b. The published policies for progression, and rights and grievances, including Grade Appeal, appear to have been followed. However, the Grade Appeal process indicated faculty were unable to substantiate grading practices that were non-discrete.
 - c. The college has appointed an experienced nursing Dean who will assume the role of program administrator as required at 244 CMR 6.04 (1)(c) pending receipt of her MA RN license. The role of the dean emphasizes management and administration while supporting faculty in their role and responsibilities.
 - d. In the interim, a qualified program administrator has been appointed.

- e. The issues identified by program faculty, college administration, and informal student complaints, as well as by the consultant, appear to be longstanding and unresolved.
 - f. That, while the regulations at 244 CMR 6.04 do not address conflict resolution among faculty and college administration it is noted that college administration is addressing concerns by directing the program administrator and the Dean, to implement a plan of action to improve communication, the learning environment, and student enrichment strategies within the nursing division.
2. Continue Full Approval status, directing the Program to:
- a. Submit a report by July 10, 2015 outlining a plan that demonstrates remediation of the issues identified including:
 - i. college administration and faculty efforts to improve communication, collaboration and Program effectiveness describing specific actions including but not limited to: faculty development focusing on nursing department issues that employ evidenced based practices and emerging pedagogies (e.g. test construction, validity and reliability of exams, item analysis, blueprinting, grading, and active learning strategies). A method is implemented that determines the soundness of each nursing course exam prior to delivery;
 - ii. a status update of the Program's implementation of the consultant's recommendations, with evidence of college support for faculty actions that strengthen and enhance Program policies for grading, and progression;
 - iii. a comprehensive assessment of all nursing course and clinical grading criteria, including course syllabi, descriptions, and formative and summative evaluation [ref: 244 CMR 6.04(3)(b)];
 - iv. activities that promote student participation in governance activities (specifically attendance at and input into the appropriate nursing department standing committees) [ref: 244 CMR 6.04 (1)(b) and (3)(a)3];
 - v. full implementation of the nursing program's plan for systematic evaluation. Provide evidence that the Accreditation Commission of Education in Nursing (ACEN) Standard 4. Curriculum and the criteria contains three years of data used by faculty to measure outcomes in the SPE 2012-2015 [ref: 244 CMR 6.04(1)(e)] and
 - vi. a timeline for implementing the plan.
 - b. Submit a report to the BRN within 30 days of the conclusion of the Fall 2015 semester (January 29, 2016) evaluating programmatic compliance, with 2a including evidence that the SPE as outlined in 244 CMR 6.04 have been fully implemented and evaluated [ref: 244 CMR 6.04(1)(e)].
 - c. Place on hold the expansion of the practical nursing program pending Board review of the end of Fall 2015 report, and the formal student complaint received June 4, 2015.
 - d. For the integrity of the Program, the Board encourages both the faculty and the institutional administration to work with the Program Administrator, (as the RN designated the administrative authority and responsibility for the Program pursuant to 244 CMR 6.04(1) (c), to resolve administrative, faculty and student issues that influence the nursing program.

TOPIC:

Contingent, Temporary Substitution of Administrative Policy 08-01: Delegation of Signature Authority to Executive Director or Designee

DISCUSSION:

Ms. Berg presented her previously distributed memo, noting the Administrative Policy 08-01 recognizes that to effectuate the decisions and actions of the Board, an individual must sign correspondence, notices, orders, rulings, etc., on the Board's behalf. The existing policy authorizes the Board's Executive Director to undertake this function. The policy contemplates that in the absence of the Executive Director, authority to sign is delegated to the Deputy Executive Director or Board Counsel. At this time, the position of Deputy Executive Director remains vacant and the sitting Executive Director has indicated her intent to retire at the end of June, 2015 provided that she is found qualified for the recently enacted Early Retirement Incentive Program. As a result, Ms. Berg recommends that the Board vote to authorize delegation of signing authority as follows but contingent on the Executive Director's retirement, and only until the existing policy may be updated or replaced:

- Ms. Fein, Complaint Resolution Coordinator: Pending complaints, matters in probation and applications requiring good moral character evaluation: notices, final orders, rulings, consent agreements and related correspondence;
- Ms. Silveira, Assistant Director: Notices and related correspondence for: Education matters, Licensure matters (except "good moral character" evaluations) and Practice matters; and Regular Session Board meeting minutes;
- Ms. Berg, Board Counsel: SARP: minutes, bridge agreements and CASPs; Closed Session Board meeting minutes

ACTION:

Motion by P. Gales, seconded by M. Beal, and unanimously passed to authorize delegation of signing authority as recommended by Ms. Berg, contingent on retirement of the Executive Director at the end of June 2015. In addition, the Board delegates signing authority to Prosecuting Counsel with respect to Orders to Show Cause issued on the Board's behalf as authorized by the Board, and all documents related to the prosecution of disciplinary proceedings so authorized.

TOPIC:

Flex Session

- A. Announcements
- B. Topics for Next Agenda
- C. 2015 National Council of State Boards of Nursing Delegate Assembly: Summary of Recommendations and Appointment of MA Delegates
- D. Review of Proposed 2015-2016 Legislation
- E. FY 2016 Board Meeting Schedule
- F. FY 2016 Election of Board Officers
- G. SAREC Appointment

DISCUSSION:

- A. Ms. Silveira reported that Ms. Fein had distributed a list of Board members at the meeting requesting each to provide the name of their employer to facilitate early identification of those members who may need to recuse themselves from particular agenda items. She also announced that Bureau staff now have access to CINHAL which will promote enhanced evidence-based decision making.

Ms. Kelly thanked the public for their trust. She also thanked Board staff and members for their hard work. Ms. Gehly, in noting that Ms. Kelly is also retiring, extended the Board's appreciation to Ms. Kelly for her outstanding leadership.

- B. None at this time.
- C. Ms. Silveira reviewed her previously distributed memo.

- D. Board members discussed Ms. Silveira's previously distributed memo and its attached report, noting:
- Regarding H1196: Ms. Tabaldi recommended the bill include recognition of the Psychiatric Clinical Nurse Specialist;
 - Regarding H1818: Ms. Tabaldi commented that expiration of an authorization to restrain a person under chapter 123, s. 12a, after no more than 12 hours is unrealistic due to a lack of bed access (this time frame should be increased);
 - Regarding H1998: Ms. Beal commented that the practice of midwifery by certified professional midwives (CPM) is a complex issue; there are public safety advantages of regulating CPM and variation in CPM educational paths. She noted that the International Federation of Midwives Standards for Education of Midwives establishes recognized standards as do the ICM Definition of a Midwife, Global Standards on Regulation and Global Standards on Education. Noting that 26 states regulate non-certified midwives, Ms. Beal also commented that she does not support portfolio education; and
 - Regarding S90 and S1185, Ms. Gales commented that she supported the staff recommendations related to bills linking mandatory continuing education to nurse licensure.
- E. Mr. Keenan reviewed his previously distributed meeting schedule noting the date for the June 2016 meeting should read, June 8. Members indicated that the 12 noon start time for the November 18, 2015, meeting was acceptable.
- F. Ms. Berg reported on the previously distributed ballot for the Fiscal Year 2016 offices of Chairperson and Vice-Chairperson, stating that Ms. Gehly's name had been placed in nomination for the office of Board Chairperson and that Ms. Gales and Ms. Levin had been nominated for the office of Vice-Chairperson. There were no nominations from the floor in response to Ms. Berg's request.
- G. D.M. DeVaux presented the qualifications of D. MacDonald for the Public Member SAREC seat in Tewksbury, MA and highlighted his diverse background at the MA Department of Corrections.

ACTION:

- A. None.
- B. None.
- C. Motion by C. Simonian, seconded by J. Killion, and unanimously passed to appoint Board member, K. Gehly, and Assistant Director, Carol Silveira, as Massachusetts Delegates to the 2015 National Council of State Boards of Nursing Annual Meeting to be held August 18-21, 2015, in Chicago, IL.
- D. Motion by B. Levin, seconded by M. Beal, and unanimously passed to approve staff recommendations as edited during today's discussion regarding the Board's direction to staff in responding to administrative inquiries about selected bills proposed for the 2015-2016 legislative session.
- E. Noted.
- F. Motion by S. Kelly, seconded by K. Gehly, and unanimously passed to elect Ms. Gehly as Chairperson for Fiscal Year 2016. Motion by S. Kelly, seconded by K. Gehly and 10 members voted in favor of Ms. Gales as Vice-Chairperson and one member voted in favor of Ms. Levin as Vice-Chairperson. Ms. Kelly announced Ms. Gales' election as Vice-Chairperson for Fiscal Year 2016.
- G. Motion by K. Gehly, seconded by J. Killion, and unanimously passed to appoint D. MacDonald to a Public Member SAREC seat in Tewksbury, MA.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None.

ACTION:

10 June 15 Regular Minutes.doc
(Approved 09/09/15)

Motion by K. Gehly, seconded by A. Alley, and unanimously passed by roll call vote to go into Executive Session at 10:45 a.m. as per the following purposes of G.L. c.30A, §21 (a)(1): the Board will discuss and evaluate the Good Moral Character as required for registration for pending applicants; the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensees relevant to their petitions for license status change; and approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the May 13, 2015 meeting.

G.L. c.30A, §21 Executive Session 10:45 a.m. to 11:30 a.m.

Recess 10:45 a.m. to 11:05 a.m.

Adjudicatory Session

DISCUSSION:

None.

ACTION:

Motion by S. Taylor, seconded by M. Beal, and unanimously passed by roll call vote to go into Adjudicatory Session at 11:30 a.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 11:30 a.m. to 11:35 a.m.

TOPIC:

G.L. c. 112, s. 65C Session

DISCUSSION:

None.

ACTION:

Motion by K. Gehly, seconded by B. Levin, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 11:37 a.m. to discuss negotiated settlements of complaints.

G.L. c. 112, s. 65C Session 11:37 a.m. to 1:10 p.m.

TOPIC:

Adjournment

DISCUSSION:

None.

ACTION:

Motion by M. Beal, seconded by K. Gehly, and unanimously passed to adjourn the meeting at 1:10 p.m.

Respectfully submitted by:



Carol A. Silveira, MS, RN, Assistant Director
Board of Registration in Nursing

Agenda with exhibits list attached

COMMONWEALTH OF MASSACHUSETTS

**NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN NURSING**

June 10, 2015

239 Causeway Street ~ Room 417 A&B
Boston, Massachusetts 02114

PRELIMINARY AGENDA AS OF 6/4/15 10:00 am

Estimated Time	#	Item	Exhibits	Presented by
9:00 a.m.	I.	1. CALL TO ORDER & DETERMINATION OF QUORUM	None	
	II.	APPROVAL OF AGENDA	Agenda	
	III.	APPROVAL OF BOARD MINUTES A. Draft Minutes for the May 13, 2015 Meeting of the Board of Registration in Nursing, Regular Session	Minutes	
	IV.	REPORTS A. Executive Director's Report B. Staff Report 1. Deputy Executive Director 2. Policy and Research 3. Practice 4. Education 5. Complaint Resolution 6. SARP 7. Licensing Coordinator	Report None Report Report None None Report Report	RH -- CS LT -- -- VI/DM KK
	V.	CONSENSUS AGENDA A. NCSBN Update B. Coalition for the Prevention of Medical Errors Update	Memo Report	LT LT
	VI.	COMPLAINT RESOLUTION A. Resolution of Pending Board Complaints 1. I. Koroma, RN215913, NUR-2013-0223 B. Resolution of Pending Board Staff Assignments 1. K. Lett Negri, RN2283208, SA-INV-4076	Investigation Report Investigation Report	CL/ASF ES/ASF
	VII.	PROBATION A. M. Ahr, LN60414, NUR-2012-0050 B. J. Galatis, NUR-2009-0034 C. S. Rogers, RN 190963 & LN 44040 (expired), NUR-2010-0239	Memo Memo Memo	KF KF KF

	VIII.	EDUCATION A. 244 CMR 6.04(1)(c) & (1)(f) Administrative Changes <ol style="list-style-type: none"> Blue Hills Vocational Technical School Laboure College ADN-RN Quincy College ADN-RN and PN Programs Westfield State University, BSN Program B. 244CMR 6.06(2) Site Survey Waiver Request: Assabet Valley Regional Technical Practical Nursing Program C. 244 CMR 6.08 (1)(f) Quincy College Division of Nursing	Report	KA
			Compliance Report	KA
			Memo	KA
	IX.	A. Contingent, Temporary Substitution of Administrative Policy 08-01	Memo	VPB
	X.	FLEX SESSION A. Announcements B. Topics for Next Agenda C. 2015 NCSBN Delegate Assembly – Summary of Recommendations and Appointment of MA Delegates D. Review of Proposed 2015-2016 Legislation E. FY 16 Board Meeting Schedule F. FY 16 Election of Board Officers G. SAREC Appointment	Memo Memo Memo (revised) Oral Nominations and Votes	CS CS CS CS DM/VI
10:30 a.m.	XI.	EXECUTIVE SESSION The Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. <ol style="list-style-type: none"> Specifically, the Board will discuss and evaluate the Good Moral Character as required for registration for pending applicants. Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensees relevant to their petitions for license status change. Approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the May 13, 2015 meeting. 	CLOSED SESSION	
11:15 a.m.	XII.	ADJUDICATORY SESSION (M.G.L. ch. 30A, § 18)	CLOSED SESSION	
11:30 a.m.	XIII.	M.G.L. c. 112, § 65C SESSION	CLOSED SESSION	
1:00 p.m.	XIV.	ADJOURNMENT		